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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,744	12/24/2003	Simo Makimattila	1381-0305P	9093
2292 7590 10/17/2008 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER NEWTON, JARED W				
ART UNIT 3693		PAPER NUMBER		
NOTIFICATION DATE 10/17/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/743,744

Applicant(s)

MAKIMATTILA, SIMO

Examiner

JARED W. NEWTON

Art Unit

3693

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This non-final rejection is in reply to the remarks filed June 25, 2008, by which claims 32 and 40 were amended, and claim 1 was canceled. Claims 2-13 were previously canceled, and claims 14-50 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 14-50 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In regard to claim 14, the limitation "such that repayment costs are distributed amongst elevator users according to a predetermined fee schedule" was not described in the originally filed specification.

In regard to claim 32, the limitation "wherein an appropriate fee is assessed to each passenger upon the interaction of said reader device and said access device based on a predetermined fee schedule such that repayment costs are equitably distributed" was not described in the specification as originally filed.

In regard to claim 40, the limitation "wherein an appropriate fee is assessed to each passenger upon the interaction of said reader device and said access device based on a predetermined fee schedule such that repayment costs are equitably distributed" was not described in the specification as originally filed.

In regard to claims 32 and 40, the specification states, "it is possible to collect reliable statistical data about use of the elevator on the basis of intensity of use, which data can be utilized e.g. in allocating the billing for the use of the elevator, in the planning of passenger-specific discounts and in access surveillance." (Specification, page 7, lines 11-19). The noted recitation, however, does not set forth sufficient detail to show that the inventor possessed the noted claim limitations at the time of the invention.

Claims 15-31, 33-39 and 41-50 are rejected under this section as they depend from claims 14, 32 and 40, respectively.

Response to Arguments

Applicant's arguments filed June 25, 2008, with respect to the rejection(s) of claim(s) 14 under 35 USC § 112, first paragraph set forth in the Office Action mailed April 17, 2008, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the limitation of claim 14 noted in the above rejection.

Applicant's arguments with respect to the rejection of claims 32 and 40 under 35 USC § 112, first paragraph have been fully considered but they are not persuasive.

At the outset, it is noted that the amendments to claims 32 and 40 filed June 25, 2008 have obviated the rejections with respect to the previously presented claim limitation related to a "timetable for full repayment of elevator costs."

The rejection is still maintained, however, because the Examiner does not agree with Applicant's contention that "page 2 of the specification provides supports for [the] claim limitation [related to a predetermined fee schedule]." (Remarks, page 11). Applicant cites paragraph 15 of the specification in support of this contention, which states that "passengers are charged different sums for the use of the aforesaid elevator depending on the destination floor." The Examiner contends that a teaching of charging different sums depending on which floor a passenger travels to is not equivalent to a "predetermined fee schedule." The term "predetermined fee schedule" implies a more specific means for assessing charges to an elevator user than the specification describes.

This rejection may be overcome if the claim limitations regarding the "predetermined fee schedule" are amended to reflect the specification. The following language from claim 1 as originally filed complies with this requirement: "each passenger of the aforesaid elevator is charged via the aforesaid card for using the elevator on the basis of the number of times of use." (Claim 1, December 24, 2003) (emphasis added).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JARED W. NEWTON whose telephone number is (571)272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

JWN
October 1, 2008

Application Number**Application/Control No.**

10/743,744

**Applicant(s)/Patent under
Reexamination**

MAKIMATTILA, SIMO

Examiner

JARED W. NEWTON

Art Unit

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